

REMARKS

In response to the Office Action mailed 12 April 2006, reexamination and reconsideration of the above-identified application are requested in view of the following amendments and remarks.

Claims

Claims 93, 98-103, 108-121 and 124-157 were previously pending. Claims 93, 103, 141 have now been Canceled. New dependent claims 158 – 166 have been added to provide a complete set of dependent claims.

Accordingly, claims 98-102, 108-121, 124-140 and 142-166 are now pending; claims 117-120 are indicated as allowed.

Rejection under 35 USC 112 first paragraph (written description)

Claims 93, 98-103, 108-116, 121-130, and 155-157 were rejected as failing to comply with the written description requirement, the Examiner stating that the amendment of 23 Jan 2006 to claims 93 and 103 entered new matter. The Examiner states that amendment of claims 93 and 103 to delete the word “sequence” with reference to the transmembrane domain would obviate this rejection.

Claims 93 and 103 have been Canceled. Withdrawal of the present rejection is respectfully requested.

Second rejection under 35 USC 112 first paragraph (written description)

Claims 93 and 103, and claims dependent thereon, stand rejected as failing to comply with the written description requirement. The Office Action states that the basis for this rejection is that the specification fails to provide support for the claimed genus of nucleic acids encoding fusion proteins comprising at least 90% sequence identity to a reference sequence.

Claims 93 and 103 have been Canceled. Claims 98-102, 108-116, 121 and 124-157 have been amended to depend from an independent claim selected from 117-120.

Withdrawal of the present rejection is requested.

Allowance of claims 117-120

Claims 117-120 are indicated as allowed. Claims 117 and 118 previously depended from claims 93 and 103 (respectively); claims 117 and 118 have been amended to place them in independent form.

New claims 158-166 have been added to provide a complete set of dependent claims for each of the four independent claims (117-120). Each new claim is similar to a previously submitted claim, but depending from a different base claim. Entry thereof is respectfully requested.

Conclusion

Applicants respectfully submit that the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite prosecution of the application, please do not hesitate to call the undersigned at 919-483-1012.

The Commissioner is hereby authorized to charge any fees required or credit any overpayment to Deposit Account No. 07-1392.

Respectfully submitted,

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